

FILE VIA FAX

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ENDORSED
FILED
San Francisco County Superior Court

MAR 16 2015

CLERK OF THE COURT

BY: DENNIS TOYAMA
Deputy Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN FRANCISCO

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MICHAEL J. AGUIRRE,
an individual,

Plaintiff,

v.

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA; HENRY E. BRADY; an
individual in his capacity as Dean of the
Goldman School of Public Policy at the
University of California; and DOES 1-20,
Inclusive.

Defendants.

Case No. **CPF - 15-514195**

**PETITION FOR WRIT OF MANDAMUS
AND DECLARATORY RELIEF (PUBLIC
RECORDS ACT)
(Cal. Const. Art. 1, § 3; Code of Civil
Procedure Sections 525; 526; 1060; 1085;
Government Code Sections 6258, 6259);
DECLARATORY RELIEF CCP § 1060**

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I.

1. The plaintiff is Michael J. Aguirre who requested documents from the University of California, Berkeley, one of the educational institutions operated as part of The Regents of the University of California, and Henry E. Brady, Dean of the Goldman School of Public Policy at the University of California, pursuant to the California Public Records Act and Article 3 section 1 of the California State Constitution.

2. This Court has jurisdiction under Govt. Code § 6268, Code of Civil Proc. §1085, and Article VI section 10 of the California Constitution.

3. Venue is proper in this Court: The acts and omissions complained of herein occurred in this County. Code of Civil Proc. § 393. Defendant is situated in this County. Id. § 394(a). The records in question are situated in this County. Govt. Code § 6259.

II.

SUMMARY OF ALLEGATIONS

4. In February 2011, Southern California Edison (Edison) turned on its 4 new steam generators at the San Onofre Nuclear Power plant (SO), returning it to full commercial production of electricity. Within a year, in January 2012, Edison turned them off after a tube leak in one of generators triggered a high radiation alarm, bringing SO to its eternal rest. While the electricity generation ended, charges imposed on Edison customers continue unabated.

5. When the steam generators failed at San Onofre in January 2012, the California Public Utilities Commission (CPUC) and Edison faced two problems: (1) Edison had not obtained authorization from the CPUC to put the steam generator costs permanently into rates; and (2) Edison had not obtained a required safety license amendment authorizing the deployment of the steam generators.

6. After the steam generators failed and the San Onofre Nuclear power plant quit producing electricity, Edison continued to charge its customers for operating the plant, including the costs of the steam generators. In addition, Edison customers were charged for the replacement power needed to cover the lost power from the inoperative San Onofre plant. The cost of the replacement power was elevated by the reduced supply attributed to San Onofre going off line.

1 7. Edison customers and their advocates demanded to understand how the new steam
2 generators could have failed in the first year of their joint use. Then CPUC President Michael Peevey
3 was closely connected to the failed steam generator project. Peevey had written the decision allowing
4 Edison to collect for the costs of the new steam generator project before the new steam generators had
5 been determined to be “used and useful.” Peevey had also allowed Edison to collect the new steam
6 generator costs from Edison customers without completing the requirements for those costs to be
7 placed into rates.

8 8. Michael R. Peevey was appointed President of the California Public Utilities
9 Commission (CPUC) by Governor Gray Davis on 31 December 2002, having been originally
10 appointed to the CPUC by Governor Davis in March 2002. In December 2008, Governor Arnold
11 Schwarzenegger reappointed Peevey to the CPUC for another six-year term.

12 9. From 1995 until 2000, Mr. Peevey was President of NewEnergy Inc. Prior to that, Mr.
13 Peevey was President of Edison International and Southern California Edison Company, and a senior
14 executive there beginning in 1984.

15 10. Mr. Peevey served on the Board of Advisors to the Goldman School of Public Policy at
16 the University of California, Berkeley.

17 11. Peevey holds Bachelor and Master of Arts degrees in economics from the University of
18 California, Berkeley. He is married to Carol J. Liu, who served three terms representing the 44th
19 Assembly District (La Canada Flintridge) in the California legislature. In November 2008, she was
20 elected to the California Senate to represent the 21st Senate District.

21 12. A Peevey-CPUC-Edison cover-up was understandably suspected when the CPUC’s
22 response to the failure of the \$700,000,000 steam generators project (after only a year of their full
23 operation) was a 9 month delay. Peevey and Commissioner Mike Florio held up the action items to
24 start an investigation into the causes of the failed steam generators until November 2012 -- over 9
25 months after they failed. Florio and Peevey gave Edison the opportunity to sift through evidence and
26 corral witnesses by letting Edison conduct its “investigation” before the CPUC’s. Rational concerns
27 the CPUC was not protecting Edison customers were aroused upon discovery the CPUC was allowing
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1 Edison to charge customers for the new steam generators without filing the application required by the
2 original CPUC decision that provisionally allowed the project to proceed.

3 13. In late October 2012, the CPUC finally issued a press release promising to look into
4 whether Edison customers should be relieved from paying any more for SO, given the failed steam
5 generators rendered the plant inoperative. However, on Friday, 30 November 2012, Edison Senior
6 Vice President of Regulatory Affairs, Les Starck, and Edison Director of Regulatory Affairs, Mike
7 Hoover, met with Sepideh Khosrowjah, Advisor to Commissioner Florio, in Ms. Khosrowjah's CPUC
8 office and suggested the investigation be splintered into "phases."

9 14. One working day later on Tuesday 4 December 2012, the Administrative Law Judge
10 assigned to the Order Instituting the Investigation ("OII") called Edison's Director of SO Strategic
11 Review, Russell G. Worden, "to discuss the timing of the RSG (replacement or new steam generators)
12 capital cost filing pursuant to the Commission's decision approving new steam generators." Three
13 working days later on Tuesday 10 December 2012, the Administrative Law Judge adopted Edison's
14 Ex Parte request ruling "The Commission intends to approach this inquiry in stages." The OII
15 adopted by the CPUC does not mention phases or stages. The Administrative Law Judge offered no
16 citation to any CPUC decision to do the investigation in stages. With the investigation into Edison's
17 decision to deploy the defective steam generators having been placed on hiatus, CPUC President Mike
18 Peevey acted to end it altogether.

19 15. Notes found in CPUC President Peevey's Office Desk in "Room A" of his La Canada
20 Flintridge home in Los Angeles, show the plan to kill the investigation into Edison's decision to
21 deploy the steam generators without a required license was planned a few months after the CPUC's
22 October 2012 announcement of the investigation. The notes reveal a secret meeting was held on 26
23 March 2013 amongst the CPUC President, CPUC Energy Director, and Edison Executive Vice
24 President for External Affairs at the Hotel Bristol in Warsaw, Poland. While the CPUC and Edison
25 failed to produce the records response to Public Records Act requests, the notes were only obtained
26 because they were included in the writings seized under a search warrant executed at the CPUC
27 President's La Canada Flintridge home in Los Angeles.

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1 16. Those notes from the secret meeting in Warsaw, Poland, between Edison and CPUC
2 representatives record discussions of a “framework” for cutting short the investigation which would
3 protect Edison from any exposure that its officials acted unreasonably when they decided to deploy
4 experimental steam generators at SO. The first secret meeting in Poland was followed with 58 more
5 instances of secret discussions and meetings amongst CPUC, Edison and an Edison-selected ratepayer
6 advocate between May 2013 and March 2014.

7 17. The plan was hatched in secret, information about how the plan was made was denied,
8 the amounts attributed to the elements in the plan were not set, and the rationale for making ratepayers
9 pay was not provided (e.g. ratepayers do not pay for part of the defective steam generators, but they do
10 pay for the damage they caused). The plan has a refund “mechanism,” but no actual refunds or
11 reductions in consumer bills. The CPUC excluded all but one ratepayer from the “negotiations”; the
12 CPUC President refused to disclose his involvement in the secret planning (evidence now shows he
13 was involved). The CPUC terminated its own expert investigation into what caused the steam
14 generators to fail, refusing first to release his report but do so after media pressure.

15 18. While Edison admitted through 31 December 2013 it had already recovered from its
16 customers \$4,135,000,000 in depreciation and amortization for SO, under the agreement it will rake in
17 billions more from its customers.

18 19. A CPUC administrative law judge had ex parte communications with the Edison Vice
19 President at San Onofre about Edison’s tardy application to put the new steam generators permanently
20 in rates and still did not require an application to place the costs into rates. When a ratepayer motion
21 to force Edison to file the application was finally granted, the Administrative law judge stayed the
22 proceeding relieving Edison from having to show it acted reasonably.

23 20. While the CPUC was steering the OII away from its intended purpose of examining how
24 and why the steam generators failed, it was receiving expert advice about how the investigation should
25 be conducted from renowned nuclear expert Dr. Robert Budnitz:

26 What error(s) led to the tube failure(s)? or At what stage were those errors made?
27 or Who made those errors? or What might have been done, and by whom, and at
28 what stage, to have averted those errors?" or "What arrangements in place
 elsewhere, technical or administrative or both, that were successful in averting

1 these errors somehow didn't work adequately for the SONGS RSGs?" Each of
 2 these is a much bigger question, one that I am developing insights into but on
 3 which my opinion(s) will only crystallize later as I dig into more information.

4 21. While the CPUC distracted with phases and phases on phases the real

5 proceedings to end the OII went on in secret:

No	Date	Description	Time
1	3/26/2013	Peevey provides "framework for a possible resolution of the OII" was made by Mr. Peevey to Mr. Pickett	
2	5/3/2013	Discussion with SCE (Henry Weissman ¹) re: TURN data responses	0.5
3	5/31/2013	Discussion with Henry Weissman (SCE) re: possible settlement, summary of conversation for TURN attorneys and consultants	0.5
4	6/19/2013	Settlement meeting with SCE (Henry Weissman) in person to discuss issues	1.5
5	7/1/2013	Meeting with SCE (Henry Weissman) to discuss settlement issues	1.5
6	7/3/2013	Discussion with SCE (Henry Weissman) and development of issue matrix	0.75
7	7/17/2013	Meeting with SCE (Henry Weissman) to discuss settlement	1.5
8	8/14/2013	Preparation for settlement meeting with SCE, settlement meeting with SCE (Henry Weissman) at TURN's office	2
9	8/23/2013	Discussions with SCE (Henry Weisman), DRA (Scott Logan) and SDG&E (Lee Schevrin) re settlement	0.5
10	10/11/2013	Ex-parte meeting (by phone) with Sepideh Khosrowjah (Commissioner Florio)	0.25
11	10/11/2013	Preparation for and attendance at, settlement meeting with DRA, SCE, SDG&E	2.75
12	10/20/2013	Review of SCE settlement revenue requirement model update, correspondance, with SCE and Bill Marcus re: modeling issues.	0.75
13	11/1/2013	Preparation for, and attendance at, settlement meeting with ORA, SCE and SDG&E	2.5
14	11/7/2013	Review of SCE/SDG&E settlement offer, attendance at settlement meeting with SCE/SDG&E/ORA	2.5
15	11/13/2013	Call with ORA to discuss settlement status, call with SCE to discuss settlement status	1.0
16	1/10/2014	Ex-parte discussion with Sepideh Khosrowjah re: SONGS phase 1 PD	0.25
17	1/13/2014	Ex-parte meeting with Commissioner Florio	0.5
18	1/27/2014	Settlement meeting (in person) with SDG&E	0.5
19	1/28/2014	Discussion with Joe Como (ORA) re: SONGS settlement, drafting of settlement communications to ORA staff and SCE/SDG&E	0.5

28 ¹ The reference is to Henry Weissmann legal counsel to Edison.

1	20	2/4/2014	Drafting settlement communications to SCE/SDG&E	0.5
2	21	2/5/2014	Conversation with SCE (Henry Weissman) re: settlement issues	0.5
3	22	2/7/2014	Communications with SCE re: settlements issues	0.25
4	23	2/26/2014	Communication with SCE re: settlement issues	0.25
5	24	2/27/2014	Review and preparation of TURN/ORR settlement offer; distribution to SCE/SDG&E	1
6	25	2/28/2014	Settlement call with SCE, SDG&E and ORR	0.75
7	26	3/3/2014	Settlement meeting (in-person) with SCE, SDG&E and ORR; Post-meeting debrief with ORR	1.5
8	27	3/6/2014	Settlement meeting (in-person) with SCE, SDG&E and ORR	1.5
9	28	3/10/2014	Review/analysis of SCE/SDG&E settlement offer, settlement communications with SCE/SDG&E re: next meetings; communication with ORR re: settlement issues	0.5
10	29	3/11/2014	Settlement meeting (by phone) with SCE, SDG&E and ORR	1.25
11	30	3/13/2014	Preparation for, and attendance at, settlement meeting (in person) with SCE, SDG&E and ORR	2.5
12	31	3/18/2014	Settlement meeting (in person) with SCE, SDG&E and ORR re: settlements documents	1.5
13	32	3/19/2014	Settlement meeting (by phone) with SCE, SDG&E and ORR	0.75
14	33	3/20/2014	Settlement meeting (by phone) with SCE, SDG&E and ORR	1.0
15	34	3/21/2014	Settlement meeting (by phone) with SCE, SDG&E and ORR	1.0
16	35	3/24/2014	Review of latest settlement draft, exchange of emails with settling parties, meeting (by phone) with SCE, SDG&E and ORR to discuss latest revisions to settlement	2.5
17	36	3/26/2014	Settlement call with SCE, SDG&E and ORR	1.5
18	37	3/26/2014	Review of revised settlement documents, settlement summary, PVRR calculations, phone calls/emails with SDG&E re: PVRR issues; 2012 O&M costs; phone calls with SCE and ORR to discuss various settlement issues	5.5
21	Total			35.75

22. On 24 April 2014, the administrative law judge issued a ruling staying the entire proceeding: "Work on the Phase 2 PD is incomplete, the ALJs did not contemplate scheduling a pre-hearing conference regarding Phase 3 prior to issuance of the Phase 2 PD, and the Phase 1 PD is currently on hold." Under the written plan to end the OII, the phase 1 and 1A proposed decisions are withdrawn. Phase 1, 1A, and 2 were nothing more than means the CPUC used to avoid the OII's real purpose: to get to the bottom of who and what caused the steam generators to fail.

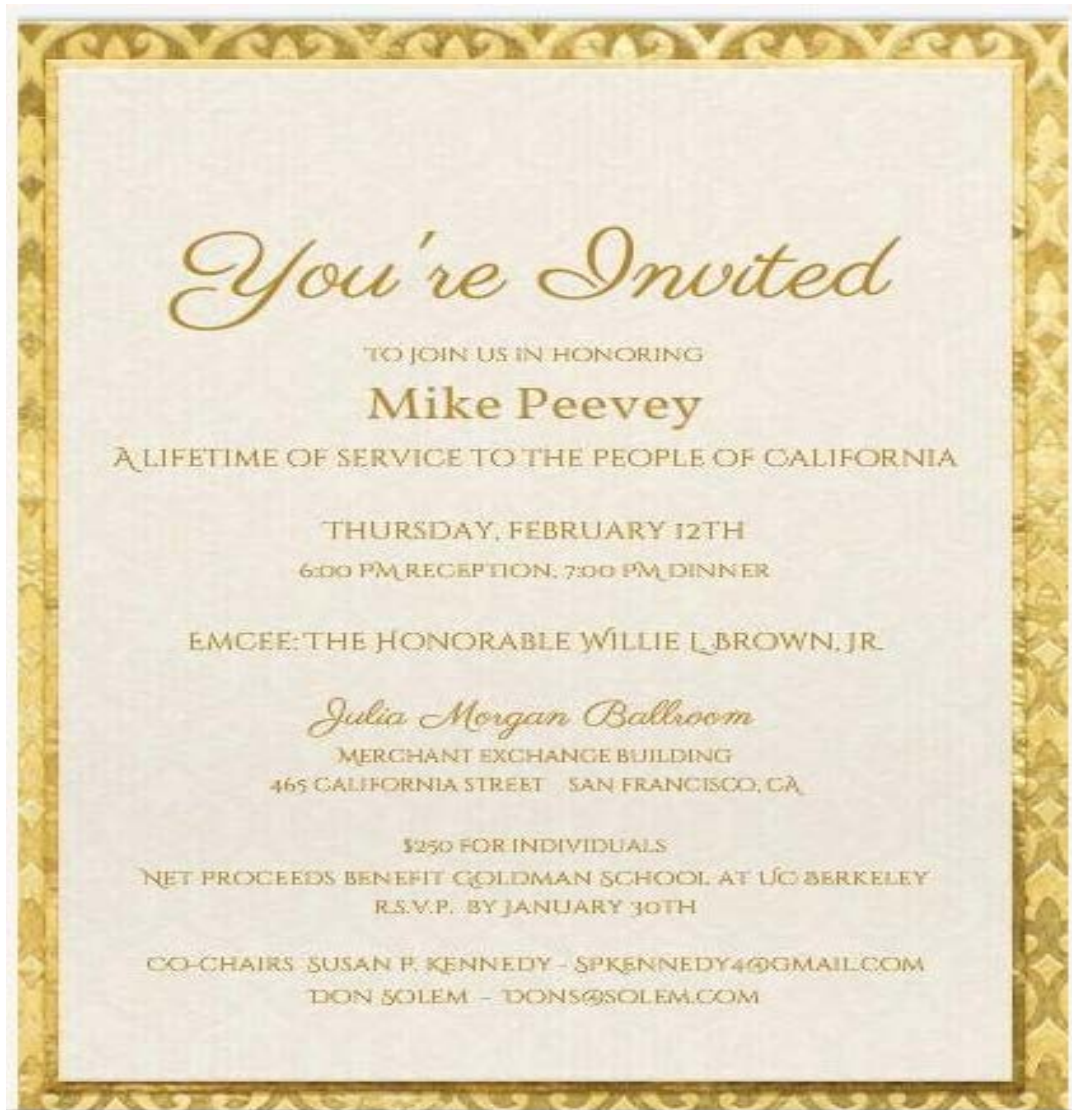
1 23. The CPUC decision makers including CPUC former and current Presidents Michael
2 Peevey and Michael Picker, Carol Brown (Peevey’s Chief-of-staff), Clanon (Executive Director),
3 Randolph (Director of Energy Division), Clapton (acting general counsel), Susan Kennedy (former
4 CPUC Commissioner, Nancy McFadden (Executive Secretary to the Governor), responded to these
5 disclosures of wrongdoing at the CPUC and Edison by hiring a brigade of highly regarded white collar
6 crime attorneys and by putting a vice hold on any production of meaningful records requested under
7 the Public Records Act and State Constitution Article I, Section 3.

8 **A. University of California, Berkeley, the Utilities and the CPUC**

9 24. In addition to her work for the Governor, Nancy McFadden also serves on the Goldman
10 School of Advisors at the University of California. Peevey was instrumental in placing the former
11 Chief Counsel of the California Independent System Operator (ISO) into the position of General
12 Counsel of the University of California. The Office of General Counsel of the University of
13 California is instrumental in failing to produce the public records constituting the subject matter of this
14 litigation.

15 25. Plaintiff’s Pubic Record Act request had gone directly to the Dean of the Goldman
16 School of Public Policy at the University of California, Dean Henry E. Brady. Dean Brady authorized
17 sponsors of a Michael Peevey Tribute Dinner on 12 February 2015 at the Julia Morgan Ballroom in
18 San Francisco, to associate the name of the Goldman School with a dinner honoring Peevey. Dean
19 Brady authorized representations to be made to potential donors that “Net proceeds to the Goldman
20 School of Public Policy University of California, Berkeley.” Checks were to be made to the Michael
21 Peevey Tribute Dinner, and sent to Don Solem, head of a Mill Valley, California public relations firm.

22 26. An embossed invitation for the Michael Peevey Tribute Dinner was circulated amongst
23 Edison officials. The invitation provided for single ticket payment of \$250. However, larger amounts
24 were solicited by the sponsors of the Michael Peevey Tribune Dinner. The Michael Peevey Tribute
25 Dinner Invitation listed the Event Sponsors on the back. Co-sponsors of the event included newly
26 appointed CPUC President Michael Picker, Dean Henry E. Brady, Southern California Edison
27 lobbyist Bruce Foster, and public relations specialist Don Solem, amongst others. The front of the
28 Invitation follows:



27. The Michael Peevey Tribute Invitation stated “NET PROCEEDS BENEFIT GOLDMAN SCHOOL AT UC BERKELEY.”

28. Plaintiff submitted a Public Records Request on 25 February 2015 asking Dean Brady to produce under the Public Records Act and Article 1, Sec 3 of the California State Constitution:

[A]ny and all writings showing the amounts of money the Goldman School received from the individuals listed on the Michael Picker Behest Report.²

² A copy of the Picker Behest Report was attached to the PRA Request to Dean Brady and is attached hereto as Exhibit 1.

1 29. The Michael Picker Behest Report listed the following contributors to the Michael
 2 Peevey Tribute Dinner:

No.	Payor	Payor Contact	Amount
1	International Brotherhood of Boilermakers, Iron Ship Builders	Tom Baca	\$5,000
2	International Brotherhood of Electrical Workers AFL-CIO, local Union No. 1245	Tom Dazell	\$10,000
3	Goodin MacBride, Squeri, Day & Lamprey LLP	Michael Day/Tom MacBride	\$10,000
4	Southern CA IBEW NECA Labor Management Committee	David Gomez	\$5,000
5	State Building and Construction Trades Council of California	Robbie Hunter	\$5,000
6	International Brotherhood of Bar Electrical Workers, Diamond Local No. 47	Pat Lavin	\$5,000
7	Southern CA Pipe Trades District Council #16	Michael Layton	\$5,000
8	California State Council of Laborers	Jose Mejia	\$5,000
9	Solar City	Lyndon Rive	\$5,000
10.	Southern CA District Council of Laborers		\$5,000

20 30. The Public Records Request asked for any records relating to the Goldman School
 21 involvement in the Michael Peevey Tribute Dinner:

22 Please provide any writings reflecting communications regarding the
 23 Peevey dinner event you attended at the Julia Morgan Ballroom in SF in
 24 Feb 2015, including those that would explain the role and show the extent
 25 of involvement by the Goldman School agents, officers and employees.

26 31. As of 16 March 2015, not a single writing has been produced in response to the 25
 27 February 2015 PRA request. Although the request went directly to Dean Brady, he provided no
 28 response. Only after a second request was sent to Dean Brady was a response provided. On 4 March

1 2015, University of California Public Records Coordinator Liane Ko wrote plaintiff, “This will
2 acknowledge and respond to your e-mail below, requesting disclosure of records pursuant to the
3 California Public Records Act, which request has now been referred to me for response. Appropriate
4 offices are being notified of your request.”

5 32. On the one hand Ms. Ko admitted the request had been “transferred” to her for
6 response -- the transfer having per force directly and indirectly come from Dean Brady. However,
7 Ms. Ko wrote, “Appropriate offices are being notified of your request.” In other words, Ms. Ko was
8 notifying Dean Brady of the Public Records Act request Dean Brady had sent Ms. Ko. This circuitry,
9 appearing to be a bit of subterfuges to delay production of the records sought, prompted a phone call
10 to Ms. Ko.

11 33. On 4 March 2015, Ms. Ko stated the “estimated date of production is at least 4 weeks.”
12 One week after Ms. Ko’s email, a second email arrived on 12 March 2015. Plaintiff had urged Dean
13 Brady to produce the records sought and urged no delay tactics be employed, which would only force
14 the matter into court. Unfortunately, on 12 March 2015, the University of California General
15 Counsel’s office elected to employ further delaying tactics writings:

16 Your e-mail below to Dean Brady has been referred to me for response.

17 As required by the Public Records Act, the University acknowledged your
18 records request on 3/4/15. Note that yours is one of many requests for
19 records from the public that University staff is working to fulfill.

20 Repeated status inquiries, which must referred to staff, only take time
21 away from their work fulfilling those requests.

22 Staff is diligently working on searching for and collecting records. As we
23 mentioned, records identified as responsive to your request will be
24 reviewed, and made available for your access, in accordance with relevant
25 law and University policy.

26 34. Even though a week had passed since the public records coordinator had estimated 4
27 weeks before production could begin, the 12 March 2015 email again said production would take at
28 least 4 weeks³:

³ The requests and correspondence in return are collectively attached as Exhibit 2.

1 The estimated date of complete production is **at least 4 weeks**, but we will
2 offer to provide records on a rolling basis, as they become available. These
steps fully meet the University's obligations under the law.

3 35. While defendant was failing to produce the records requested under the Public Records
4 Act and Article 1 Section 3 of the California State Constitution, the University of California's General
5 Counsel filed a late Ex Parte disclosure of writings that were covered by documents requested.

6 36. On 12 March 2015, the same day the University of California General Counsel issued
7 the letter denying timely access to the records plaintiff sought under the Public Records Act, the
8 University of California General Counsel disclosed an ex parte communication between University
9 officials and CPUC President Picker dated 27 February 2015 regarding the allocation of funds from
10 the San Onofre "settlement." (Exhibit 3, attached)

11 37. The Public Records Act request for writings grew out of concerns raised by the unusual
12 award of a \$25,000,000 CPUC grant from a Southern California Company, Edison, to a Northern
13 California School, UC Berkeley.

14 38. Six months prior (on 5 September 2014), CPUC Commissioner Florio and two
15 administrative law judges unilaterally proposed Edison a Southern California company pay
16 \$25,000,000 for research to a Northern California School, the University of California, Berkeley's
17 California Energy Institute:

18
19 We request the Settling Parties add a provision to the Agreement which
20 will result in a multi-year project, undertaken by the University of
21 California, funded by shareholder dollars, to spur immediate practical,
22 technical development of devices and methodologies to reduce emissions
23 at existing and future California power plants tasked to replace the lost
SONGS generation. This is not simply a request for more data or another
Report, but for actual remedies that can be applied during the original
expected life of SONGS--through 2022.

24 Settling Parties should respond with a provision which includes the
25 following basic criteria: Edison and SDG&E commit to working with the
26 University of California Energy Institute (or other appropriate existing UC
27 entity engaged in energy technology development) to create a Research,
28 Development, and Demonstration (RD&D) program which results in
innovation and deployment of new technologies, methodologies, and/or
design modifications to reduce GHG emissions, particularly at current and
future generating plants.

1 39. Plaintiff's 25 February 2015 Public Records Act request also asked for any writings
2 relating to whether Mr. Peevey and Dean Brady or anyone at the University of California had any
3 discussions about Mr. Peevey working at, or being association with, the University of California
4 Berkeley:

5 Please provide any and all communications between you and Michael
6 Peevey which touch upon, mention, describe, or refer to Mr Peevey having
7 any role at the Goldman School, including any plan to use the funds raised
8 at the Peevey Dinner to establish a position or fund a position for Mr.
9 Peevey at the Goldman School.

10 40. No records were provided relating to Peevey's work or association.

11 WHEREFORE, Plaintiff prays as follows:

12 1. An order requiring The Regents of the University of California to produce to plaintiff
13 any writings reflecting communications regarding the Peevey dinner event Dean Brady attended at the
14 Julia Morgan Ballroom in San Francisco on 12 February 2015, including those that would explain the
15 role and show the extent of involvement by the Goldman School agents, officers and employees in the
16 Mike Peevey Tribute Dinner.

17 2. An order requiring The Regents of the University of California to produce to plaintiff
18 any and all communications between Dean Brady and Michael Peevey which touch upon, mention,
19 describe, or refer to Mr. Peevey having any role at the Goldman School, including any plan to use the
20 funds raised at the Peevey Dinner to establish a position or fund a position for Mr. Peevey at the
21 Goldman School.

22 3. An order requiring the University of California to produce to plaintiff any and all
23 writings showing the amounts of money the Goldman School received from the individuals listed on
24 the Michael Picker Behest Report.⁴

25 4. An order requiring prompt disclosure of the documents requested in the Public Records
26 Act request⁵;

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⁴ Exhibit 1.

⁵ Exhibit 2.

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- 5. For attorneys' fees and costs;
- 6. For all other relief the Court determines it warranted.

Respectfully submitted,

AGUIRRE & SEVERSON LLP



Maria C. Severson
Attorneys for Plaintiff

Dated: 16 March 2015

EXHIBIT 1

Mike Aguirre

From: Mike Aguirre <maguirre@amslawyers.com>
Sent: Wednesday, February 25, 2015 6:54 AM
To: 'hbrady@berkeley.edu'
Subject: PRA REQUEST
Attachments: PICKERMichaelBehestedPaymentreportForm803Commissioner-2.pdf

Greetings: Dean Brady, please provide me under the Cal Pub Records Act, and the Cal State Constitution Art 1 Sec. 3 any and all writings showing the amounts of money the Goldman School received from the individuals listed on the Michael Picker Behest Report. Please provide any writings reflecting communications regarding the Peevey dinner event you attended at the Julia Morgan Ballroom in SF in Feb 2015, including those that would explain the role and show the extent of involvement by the Goldman School agents, officers and employees. Please provide any and all communications between you and Michael Peevey which touch upon, mention, describe, or refer to Mr Peevey having any role at the Goldman School, including any plan to use the funds raised at the Peevey Dinner to establish a position or fund a position for Mr. Peevey at the Goldman School.

Thank You,

Aguirre & Severson
Mike Aguirre
510 W. Broadway
Suite 1050
San Diego, Cal

619 876 5364

M e m o r a n d u m

FEB 03 2015

Date: February 3, 2015

EXECUTIVE DIRECTOR'S OFFICE

To: Timothy Sullivan
Executive Director (Acting)
California Public Utilities Commission
505 Van Ness Ave.
San Francisco, CA 94102

From: Public Utilities Commission—San Francisco - Christine Hammond
Advisor to
Michael Picker, President

File No:

Subject: *California Form 803 – Behested Payment Report*

Enclosed please find a Form 803 submitted by President Michael Picker. Certain information (addresses of two payors and the contact person for one payor) are not included at the present time. In the interest of timely reporting, we are providing this partial information and will make supplemental filings as more information becomes available.

Please call me at 415-703-2682 or via e-mail at cjh@cpuc.ca.gov if you have any questions.

Behested Payment Report

A Public Document

Behested Payment Report

1. Elected Officer or CPUC Member <i>(Last name, First name)</i>		Date Stamp	California Form 803 For Official Use Only
PICKER, MICHAEL		FEB 03 2015	
Agency Name		EXECUTIVE DIRECTOR'S OFFICE	
CALIFORNIA PUBLIC UTILITIES COMMISSION			
Agency Street Address			
505 VAN NESS AVE., SAN FRANCISCO, CA 94102			
Designated Contact Person <i>(Name and title, if different)</i>		<input type="checkbox"/> Amendment <i>(See Part 5)</i>	
Area Code/Phone Number	E-mail <i>(Optional)</i>	Date of Original Filing: _____ <i>(month, day, year)</i>	
(415) 703-2444	Michael.Picker@cpuc.ca.gov		

2. Payor Information *(For additional payors, include an attachment with the names and addresses.)*

(SEE ATTACHMENT)

Name _____

Address _____ City _____ State _____ Zip Code _____

3. Payee Information *(For additional payees, include an attachment with the names and addresses.)*

(SEE ATTACHMENT)

Name _____

Address _____ City _____ State _____ Zip Code _____

4. Payment Information *(Complete all information)*

Date of Payment: (SEE ATTACH) *(month, day, year)* Amount of Payment: *(In-Kind FMV)* \$ (SEE ATTACHMENT) *(Round to whole dollars)*

Payment Type: Monetary Donation or In-Kind Goods or Services *(Provide description below.)*

Brief Description of In-Kind Payment: _____


Purpose: *(Check one and provide description below)* Legislative Governmental Charitable

Describe the legislative, governmental, charitable purpose, or event: Net proceeds from donations benefit the Goldman School of Public Policy at U.C. Berkeley

5. Amendment Description or Comments

6. Verification

I certify, under penalty of perjury under the laws of the State of California, that to the best of my knowledge, the information contained herein is true and complete

Executed on 2/3/15 DATE By  SIGNATURE OF ELECTED OFFICER OR CPUC MEMBER

ATTACHMENT TO CALIFORNIA FORM 803
 MICHAEL PICKER, PRESIDENT, CALIFORNIA PUBLIC UTILITIES COMMISSION
 REPORTED FEBRUARY 3, 2015

	Date of Payment	Payor	Contact of Payor	Address of Payor	Amount	Payee	Address of Payee	Description	LGC Purpose
1	1/27/15	International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers	Tom Baca	753 State Avenue, Suite 565, Kansas City, KS.66101-2511	\$5,000.00	Michael Peevey Tribute Dinner	c/o Don Solem, co-chair Mill Valley, CA	Net proceeds to the Goldman School of Public Policy, U.C. Berkeley	Charitable
2	1/20/15	International Brotherhood of Electrical Workers, AFL-CIO, Local Union No. 1245	Tom Dalzell	P.O. Box 2547 Vacaville, CA 95696	\$5,000.00	Michael Peevey Tribute Dinner	c/o Don Solem, co-chair Mill Valley, CA	Net proceeds to the Goldman School of Public Policy, U.C. Berkeley	Charitable
3	12/30/14	Goodin MacBride Squeri Day & Lamprey	Michael Day/Tom MacBride	505 Sansome Street, 9 th Floor, San Francisco, CA 94111	\$10,000.00	Michael Peevey Tribute Dinner	c/o Don Solem, co-chair Mill Valley, CA	Net proceeds to the Goldman School of Public Policy, U.C. Berkeley	Charitable
4	1/30/15	Southern CA IBEW-NECA Labor Management Committee	David Gomez		\$5,000.00	Michael Peevey Tribute Dinner	c/o Don Solem, co-chair Mill Valley, CA	Net proceeds to the Goldman School of Public Policy, U.C. Berkeley	Charitable
5	1/27/15	State Building and Construction Trades Council of California	Robbie Hunter	1231 I Street, Suite 302, Sacramento, CA 95814-2933	\$5,000.00	Michael Peevey Tribute Dinner	c/o Don Solem, co-chair Mill Valley, CA	Net proceeds to the Goldman School of Public Policy, U.C. Berkeley	Charitable
6	1/27/15	International Brotherhood of Electrical Workers, Local No. 47	Pat Lavin	600 N. Diamond Bar Blvd. Diamond Bar, CA 91765	\$5,000.00	Michael Peevey Tribute Dinner	c/o Don Solem, co-chair Mill Valley, CA	Net proceeds to the Goldman School of Public Policy, U.C. Berkeley	Charitable

7	1/29/15	Southern CA Pipe Trades District Council #16	Mike Layton	501 Shatto Place, Suite 400 Los Angeles, CA 90020	\$5,000.00	Michael Peevey Tribute Dinner	c/o Don Solem, co-chair Mill Valley, CA	Net proceeds to the Goldman School of Public Policy, U.C. Berkeley	Charitable
8	1/28/15	California State Council of Laborers	Jose Mejia	1121 L Street, Suite 502 Sacramento, CA 95814	\$5,000.00	Michael Peevey Tribute Dinner	c/o Don Solem, co-chair Mill Valley, CA	Net proceeds to the Goldman School of Public Policy, U.C. Berkeley	Charitable
9	1/27/15	Solar City	Lyndon Rive	3055 Clearview Way San Mateo, CA 94402	\$5,000.00	Michael Peevey Tribute Dinner	c/o Don Solem, co-chair Mill Valley, CA	Net proceeds to the Goldman School of Public Policy, U.C. Berkeley	Charitable
10	1/30/15	Southern CA District Council of Laborers			\$5,000.00	Michael Peevey Tribute Dinner	c/o Don Solem, co-chair Mill Valley, CA	Net proceeds to the Goldman School of Public Policy, U.C. Berkeley	Charitable

EXHIBIT 2

Mike Aguirre

From: Mike Aguirre <maguirre@amslawyers.com>
Sent: Wednesday, March 4, 2015 8:07 AM
To: 'hbrady@berkeley.edu'
Subject: PRA

Dean Brady, I have sent you an Public Records request but have not heard back from you. Would you do me the courtesy of letting me know if you intend to honor my public record request relating to your and the Goldman School's dealings with Mr. Peevey. I do not want this to turn into a court litigation matter and hope you will provide the documents requested. Please let me know of your intentions. Thank You, Mike Aguirre

Mike Aguirre

From: lianeko@berkeley.edu on behalf of UC Berkeley Public Records Office
<pra@berkeley.edu>
Sent: Wednesday, March 4, 2015 8:47 AM
To: Mike Aguirre
Subject: PRA Request: Goldman School of Public Policy Records

Dear Mr. Aguirre:

This will acknowledge and respond to your e-mail below, requesting disclosure of records pursuant to the California Public Records Act, which request has now been referred to me for response. Appropriate offices are being notified of your request. Records identified as responsive to your request will be reviewed, and made available for your access, in accordance with relevant law and University policy. The estimated date of production is at least 4 weeks, which will vary accordingly due to the nature, complexity, and/or length of the request. Whenever possible we will provide records on a rolling basis, as they become available.

Although the requested records have not yet been fully gathered and reviewed, it is possible that the requested material may contain information exempt from disclosure pursuant to the Public Records Act. However, this is not a determination that the requested records are necessarily exempt from disclosure. This office will provide you with a status update after the requested records have been thoroughly reviewed.

Please note that the California Public Records Act allows agencies to make records available "upon payment of fees covering direct costs of duplication." (Government Code Section 6253(b)). The charge for disclosable records are normally provided at a cost of \$0.20 per page for scanned or paper copy, and will be sent upon receipt of payment of all scanning/copying costs.

Regards,

Liane Ko
Public Records Coordinator

University of California, Berkeley
Office of Public Records
200 California Hall, MC #1500
Berkeley, CA 94720-1500
Phone: (510) 664-4615

From:

"Mike Aguirre" <maguirre@amslawyers.com>

Date: February 25, 2015 at 6:54:18 AM PST

To: <hbrady@berkeley.edu>
Subject: PRA REQUEST

Greetings: Dean Brady, please provide me under the Cal Pub Records Act, and the Cal State Constitution Art 1 Sec. 3 any and all writings showing the amounts of money the Goldman School received from the individuals listed on the Michael Picker Behest Report. Please provide any writings reflecting communications regarding the Peevey dinner event you attended at the Julia Morgan Ballroom in SF in Feb 2015, including those that would explain the role and show the extent of involvement by the Goldman School agents, officers and employees. Please provide any and all communications between you and Michael Peevey which touch upon, mention, describe, or refer to Mr Peevey having any role at the Goldman School, including any plan to use the funds raised at the Peevey Dinner to establish a position or fund a position for Mr. Peevey at the Goldman School.

Thank You,

Aguirre & Severson

Mike Aguirre

510 W. Broadway

Suite 1050

San Diego, Cal

619 876 5364



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Mike Aguirre

From: Mike Aguirre <maguirre@amslawyers.com>
Sent: Wednesday, March 11, 2015 3:39 AM
To: 'hbrady@berkeley.edu'
Subject: NOTICE OF LEGAL ACTION

Greetings Dean Brady: I regret to inform you that you will be named in a lawsuit on Monday 16 March 2015 for willful failure to produce writings required to be produced to the public as described and requested in our Public Records Request to you. There is no plausible excuse for the delay. Please avoid this matter going to court by meeting your legal duties as a public officer and produce the requested documents which generally relate to how much \$\$ was actually received from the Peevey gala and also the records relating to any plans to employ or involve Mr. Peevey at the Goldman School or otherwise at UCB. Thank You, Mike Aguirre

Mike Aguirre

From: Mike Aguirre <maguirre@amslawyers.com>
Sent: Thursday, March 12, 2015 9:36 AM
To: 'lianeko@berkeley.edu'
Cc: 'Mia Severson'
Subject: Goldman Public Record

Hello, I have called several times asking for an update and have received none in response to the PRA request for Goldman writings relating to Mr. Peevey, the Peevey dinner receipts, and writings relating to communications about employment or otherwise with the Goldman School dean. We are left with no option but a judicial one. Please let me know if there is any way to avoid litigation in this case. This email and the others to you and the dean will be attached to our complaint to show the effort we went to in order to avoid having to go to court. Thank You,
Mike Aguirre

Mike Aguirre

From: Michael Aguirre <maguirre@amslawyers.com>
Sent: Thursday, March 12, 2015 4:55 PM
To: 'Christopher M Patti'
Subject: NEED PRODUCTION OR DATE CERTAIIN

Greetings: I am very sorry to say that I need to speak with you and receive a date certain for delivery of the requested writings. As I said to the Dean a lawsuit will be filed Monday. Please help me avoid this outcome by either producing the records or coming up with a mutually acceptable date for production. Thank You, Mike Aguirre .

From: Christopher M Patti [mailto:cpatti@berkeley.edu]
Sent: Thursday, March 12, 2015 1:25 PM
To: maguirre@amslawyers.com
Cc: Henry BRADY; Liane Ko
Subject: Fwd: DRAFT: Response to Mike Aguirre

Dear Mr. Aguirre,

Your e-mail below to Dean Brady has been referred to me for response. As required by the Public Records Act, the University acknowledged your records request on 3/4/15. Note that yours is one of many requests for records from the public that University staff is working to fulfill. Repeated status inquiries, which must referred to staff, only take time away from their work fulfilling those requests. Staff is diligently working on searching for and collecting records. As we mentioned, records identified as responsive to your request will be reviewed, and made available for your access, in accordance with relevant law and University policy. The estimated date of complete production is at least 4 weeks, but we will offer to provide records on a rolling basis, as they become available. These steps fully meet the University's obligations under the law.

Regards,

Christopher M. Patti/Chief Campus Counsel/University of California, Berkeley/200 California Hall #1500/Berkeley, California 94720-1500/T: 510-642-7122/F: 510-643-5980

----- Forwarded message -----

From: Mike Aguirre <maguirre@amslawyers.com>
Date: Wed, Mar 11, 2015 at 3:47 AM

Subject: NOTICE OF PUBLIC RECORDS LEGAL ACTION AGAINST YOU

To: hbrady@berkeley.edu

Greetings Dean Brady: I regret to inform you that you will be named in a lawsuit on Monday 16 March 2015 for willful failure to produce writings required to be produced to the public as described and requested in our Public Records Request to you. There is no plausible excuse for the delay. Please avoid this matter going to court by meeting your legal duties as a public officer and produce the requested documents which generally relate to how much \$\$ was actually received from the Peevey gala and also the records relating to any plans to employ or involve Mr. Peevey at the Goldman School or otherwise at UCB. Thank You, Mike Aguirre



This email has been checked for viruses by Avast antivirus software.

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EXHIBIT 3

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Investigation on the Commission's Own Motion into the rates, operations, practices, services, and facilities of Southern California Edison Company and San Diego Gas and Electric Company associated with the San Onofre Nuclear Generating Station Units 2 and 3.

And Related Matters

Investigation 12-10-013
(Filed October 25; 2012)

Application 13-01-016
Application 13-03-005
Application 13-03-013
Application 13-03-014

NOTICE OF EX PARTE COMMUNICATION

Sandra Brown
University of California San Diego

David Austin
University of California Santa Barbara

By: /S/
Ellen R. Auriti

Attorney for
THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA

University of California
Office of the General Counsel
1111 Franklin Street, 8th Floor
Oakland, CA 94607-5200
Telephone: 510-987-9800
Facsimile: 510-987-9757
Email: Ellen.Auriti@ucop.edu

Date: March 12, 2015

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Investigation on the Commission's Own Motion into the rates, operations, practices, services, and facilities of Southern California Edison Company and San Diego Gas and Electric Company associated with the San Onofre Nuclear Generating Station Units 2 and 3.

And Related Matters

Investigation 12-10-013
(Filed October 25, 2012)

Application 13-01-016
Application 13-03-005
Application 13-03-013
Application 13-03-014

NOTICE OF EX PARTE COMMUNICATION

Pursuant to Rules 8.3 and 8.4 of the California Public Utilities Commission (Commission), the University of California is submitting this Notice of Ex Parte Communication. Although the University of California is not a party to this proceeding, it may qualify as an interested person under Rule 8.1., and therefore, in an abundance of caution, is submitting this Notice of written Ex Parte Communication.

On February 18, 2015, Sandra Brown, Vice Chancellor for Research at the University of California's San Diego campus and co-chair of the Applied Research Work Group of the University of California's UC Global Climate Leadership Council, attended a public meeting in Costa Mesa, California, convened by the Southern California Edison Company and the San Diego Gas and Electric Company ("Utility Companies") in connection with this proceeding. The subject of the meeting was "Utility Administered University of California Greenhouse Gas Research Reduction Program." At the meeting, the Utility Companies distributed slides stating

that “All interested stakeholders may submit questions and/or written comments to the utility program administrators,” and noting that all comments must be received by February 27, 2015.

In response to that invitation, Sandra Brown and David Auston, Executive Director of the Institute for Energy Efficiency at the University of California’s Santa Barbara campus (and co-Chair, with Vice Chancellor Brown, of the Applied Research Workgroup) submitted a letter dated February 27, 2015 (Attachment A to this Ex Parte Notice) to the Utility Company Presidents, along with a copy of a slide presentation (Attachment B to this Ex Parte Notice) regarding the University of California President’s Carbon Neutrality Initiative. The letter provided comments on the design and finalization of the research funding allocation for the SONGS settlement awards, and recommended that special consideration be given to research proposals that address the research priorities of the UC President’s Carbon Neutrality Goal to achieve carbon neutrality of scope 1 and 2 emissions by 2025.

Although the February 27 letter was addressed also to CPUC President Michael Picker, the University did not transmit the letter or the attached slides to the CPUC until today. Because the University of California may be considered an interested party to this proceeding under Rule 8.1, the University is submitting this Notice of written Ex Parte Communication on the same day that it is sending a copy of the letter and attachment to CPUC President Picker.

Respectfully submitted,

Sandra Brown
University of California San Diego

David Austin
University of California Santa Barbara

By: /S/
Ellen R. Auriti

Attorney for
THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA

University of California
Office of the General Counsel
1111 Franklin Street, 8th Floor
Oakland, CA 94607-5200
Telephone: 510-987-9800
Facsimile: 510-987-9757
Email: Ellen.Auriti@ucop.edu

Date: March 12, 2015

UNIVERSITY OF CALIFORNIA

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SANTA BARBARA • SANTA CRUZ

OFFICE OF THE PRESIDENT
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

TO: President Michael Picker, California Public Utilities Commission
President Steven D. Davis, San Diego Gas and Electric
President Pedro J. Pizzaro, Southern California Edison

FROM: Sandra Brown, Vice Chancellor for Research and Distinguished Professor of
Psychology and Psychiatry, University of California, San Diego

David Auston, Executive Director, Institute for Energy Efficiency,
University of California, Santa Barbara

Co-Chairs, Applied Research Workgroup, Carbon Neutrality Initiative
University of California President's Global Climate Leadership Council

DATE: February 27, 2015

RE: Statement from UC's Carbon Neutrality Applied Research Workgroup on
research priorities relevant to SONGS settlement award.

To Presidents Picker, Davis and Pizzaro:

Thank you for the opportunity to provide comments on the design and finalization of the research funding allocation for the SONGS settlement award. As representatives of the University of California's Global Climate Leadership Council, Applied Research Workgroup, we recommend you give special consideration to proposals addressing the research priorities of the UC President's Carbon Neutrality Goal to achieve carbon neutrality of scope 1 & 2 emissions by 2025.

The UC Global Climate Leadership Council's Applied Research Workgroup is the official consultative body of the University of California, tasked with advising President Janet Napolitano on the research dimensions of the UC Carbon Neutrality Goal. Our workgroup sponsored and hosted the Fall 2014 Research Workshop on the Santa Barbara campus. A summary of that workshop, including a set of Research Grand Challenges, are described in the accompanying document. These recommendations are aligned with the State of California's need to reduce GHG emissions, including the Governor's recent decision to raise the bar and achieve 50% renewable electricity by 2050. They are also aligned with the overall goal of the SONGS research program to support GHG emission reductions, but differ somewhat by emphasizing a broader scope of applied research.

To this end, our research workgroup collectively recommends that the SONGS settlement considers the research priorities of the UC President's Carbon Neutrality Goal in prioritization of settlement research funding through SDG&E and Southern California Edison.

We welcome discussions of our Applied Research Workgroup findings and recommendation as you finalize plans for the SONGS settlement. The combined efforts from the SONGS settlement and the University of California may have a more profound effect on the state of California. We would appreciate being kept apprised of the outcome of your settlement order, and are available to answer any questions you may have.

Cordially yours,



Sandra Brown
Co-Chair
Applied Research Workgroup
UC Global Climate Leadership Council
sandrabrown@ucsd.edu
(858) 534-3526



David Auston
Co-Chair
Applied Research Workgroup
UC Global Climate Leadership Council
auston@iee.ucsb.edu
(805) 893-3376

cc: *Applied Research Workgroup members:*
Barbara Allen-Diaz, Vice President Agriculture and Natural Resources (UCANR/UCOP)
Roger Bales, Professor of Engineering (UCM)
Matt Barth, Professor of Engineering (UCR)
Carl Blumstein, Director, California Institute for Energy and Environment (UCB)
Ann Carlson, Vice Dean and Professor, School of Law (UCLA)
John Elliott, LBNL Chief Sustainability Officer (LBNL)
Peggy Fielder, Director, Natural Reserve System (UCOP)
Daniel Kammen, Professor in the Energy and Resources Group (UCB)
Tom Peterson, EVC-Provost (UCM)
Doug Rotman, Program Director (Lawrence Livermore National Laboratory)
Albert Migliori (Los Alamos National Laboratory)
Michael Siminovitch, Professor of Design (UCD)

University of California, Office of the President:

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Executive Vice President and Chief Financial Officer Brostrom
Executive Vice President and Chief Operating Officer Nava
Vice Chancellor for Administration Brase (UCI)
Executive Vice President and Provost Dorr
Interim Vice President for Research Tucker
Interim Deputy Vice President for Research Miller
Sustainability Director St.Clair
Project Manager Chiang